

#512

BILL NO. Z-92-06-07

ZONING MAP ORDINANCE NO. Z-05-92

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. N-42.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby
designated an RA (Suburban Residential) District under the
terms of Chapter 33 of the Code of the City of Fort Wayne,
Indiana of 1974:

Lot C of A.F. Smith's Subdivision

and the symbols of the City of Fort Wayne Zoning Map No. N-42,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Clitus R Edmonds
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley
J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 7-14-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE - RESOLUTION NO. 2-05-92 on the 14th day of July, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 1992, at the hour of 11:00 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July, 1992, at the hour of 1:30 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 10903

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., 5/13 19 92

RECEIVED FROM COIL & DICKMEYER, INC. \$ 350⁰⁰

THE SUM OF THREE HUNDRED FIFTY AND 00/100 ¹⁰⁰ DOLLARS

ON ACCOUNT OF REZONING R2-RA AND DEV. PLAN APPROVAL
FOR SHAWNEE PLACE CONDOMINIUMS

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

M. Claus
AUTHORIZED SIGNATURE

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We Richard A. Bidlack - Jane Bidlack
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an R-A District the property described as follows:

Lot C of A.F. Smith's Subdivision

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

900 E. Cook Road, Fort Wayne, IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Richard Bidlack</u>	<u>5508 Wapiti Dr.</u>	_____
<u>Jane Bidlack</u>	<u>5508 Wapiti Dr.</u>	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. ⁴⁶⁸¹⁵
Kerry D. Dickmeyer-Coil & Dickmeyer 6044 East State Blvd., Ft. Wayne IN 749-0125
(Name) (Address & Zip Code) (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot C of A.F. Smith's Subdivision

Owners of Property

X <u>Richard R. Billosh</u>	<u>5508 Wapiti Dr. Ft. Wayne, IN 46804</u>	
X <u>Myra Jean Billosh</u>	<u>5508 Wapiti Dr. Ft. Wayne, IN 46804</u>	
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE
This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 9, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

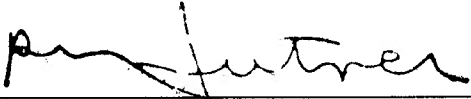
(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1992.

Certified and signed this
23rd day of June 1992.



Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R2 to RA

DETAILS

Specific Location and/or Address

900 E Cook Road

Reason for Project

Future condominium development.

Discussion (Including relationship to other Council actions)

15 June 1992 - Public Hearing

See Attached Minutes of Meeting

22 June 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a Do Pass recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
ProponentsApplicant(s)
Richard & Jane Bidlack

City Department

Other

Opponents

Groups or Individuals

Andy Larue/923 Cherry Blossom
Steve Herber/917 Cherry Bloss

Basis of Opposition

-condominium development would not be compatible with area and would devalue existing property.

Staff
Recommendation☒ For☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

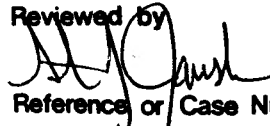
Date 13 May 1992

Projected Completion or Occupancy

Date 23 June 1992

Fact Sheet Prepared by
Patricia Biancaniello

Date 23 June 1992

Reviewed by

Reference or Case Number

Date 24 JUNE 1992

- a. Change of Zone #512
From R2 to RA
900 E Cook Road, immediately west of Shawnee School

Primary Development Plan for Shawnee Place Condominiums

Tom Niezer, attorney, representing the developer, Shalimar Corporation appeared before the Commission. Mr. Niezer pointed out that the parcel is unique in that it is very long and narrow. The dimensions of the lot place certain limitations on possible development on the site. Mr. Niezer stated that they felt the development that they have proposed would fit with the single family character of the area. Mr. Niezer introduced Bill Cartwright, from Shalimar Development Corporation, Kerry Dickmeyer with the engineering firm of Coil & Dickmeyer, and Kevin McCrory, with McCrory & Associates Landscape Architects. Mr. Niezer stated that they have looked at the requests of the staff and have agreed to dedicate an additional 10 foot of right-of-way for a 50 foot total from the centerline of Cook Road. He stated that they do have reservations about the stub street to the west by extending a private drive to the property line in the first 700 feet of lot depth.

Kerry Dickmeyer, the engineer for the project appeared before the Commission. Mr. Dickmeyer stated that this project would consist of 55 units. It would be served by a single private access from Cook Road. He stated that the street would end in a cul-de-sac. He stated that the sanitary sewer runs along the eastern boundary. He stated that they would have an onsite detention basin for additional water runoff. He stated that they have a setback of 25 feet from the east and west sides of the project. They also will be putting in 5' sidewalks along the private street. There is already sidewalk along Cook Road.

Kevin McCrory, the landscape architect, stated that he had met with Tom Cain of Community & Economic Development and that they have done an onsite review of the area. He stated that they intend to keep as much of the natural vegetation as possible. He stated that some of the material on the site is scrub vegetation. But that there are some hard wood trees that they will be retaining. He stated they would be installing a generous entry landscape plan.

Tom Niezer stated that they had three (3) meetings with the area residents. One with the Springwood/Orchard Wood Association, Wheatridge Association and with 2 of the families that are adjacent to the project. He submitted letters from the two associations. The Board of Directors of the Wheatridge Neighborhood Association gave their unanimous support of the Shalimar Development. The Springwood Community Association were not opposed but did have some reservations and requests regarding the development. One of which was the use of Springwood's Community Park which adjoins the development. They stated that Shalimar however, did recognize the concern as a valid one. The letter stated that Shalimar would

propose the possibility of capital improvements being made to the park area at the time of development of the project, and that an annual fee could be placed on the condominium owners, which would be paid to Springwood for the maintenance, upkeep and improvements to the community park. In exchange, Springwood would grant the condominium unit owners the right to use the park area. The letter also stated that Springwood Association along with the Shalimar Development Corporation strongly oppose the staff recommendation that a stub street be developed within the condominium development, which would possibly connect, in the future with Springwood Drive.

Mike Conn, President of the Springwood Community Association appeared before the Commission and supported the proposed rezoning and condominium development, but stated they would need to have further discussions on joining community associations and sharing of the existing private park.

Andy Larue, 923 Cherry Blossom Lane, appeared before the Commission in opposition to the proposed rezoning and development. He stated that his property sits directly behind and adjacent to the proposed development. Mr. Larue stated that there is already poor drainage in the area and that this development can only increase that problem. He stated he is not in favor of the concept, feeling that the development was too dense and that this type of development would devalue the single family residential development in the area.

Steve Herber, 917 Cherry Blossom Lane, appeared before the Commission in opposition. He stated that he is also behind and adjacent to the proposed development. He stated that he concurs with what Mr. Larue stated and wanted to note that he did not want a detention basin adjacent to his property. He felt it would detract from the property as well as devalue the land. He was also concerned that the developer would build the units without buyers and that they would end up with rental units and not owner occupied.

Julius Fingerle, 1419 Springbrook Road, appeared before the Commission in opposition. Mr. Fingerle stated that he felt that this development was not suitable to be placed in an area with all single family development.

In rebuttal Mr. Niezer stated that they feel that they can be an asset in improving the neighborhood park. He stated that they are willing to put capital improvements into the park in order to have the right for the owners in Shalimar development to use the park. He stated that these units will not have that many children. He stated that these are two bedroom units and not likely to be bought by large families. He stated that the developer has no intention of building the units before they are sold. They will be built as they are purchased. He stated that the detention pond in the rear is not going to be one that has standing water in it. It will hold water only during overflow periods, such as times of heavy rains. He stated that it should be remembered that this is not an

apartment complex but that these units are single family units. They are only being built as condominiums because the land will be owned buy the association.

Steve Smith asked if it would be economically feasible to reduce the density of the project by 10 or 15 units.

Mr. Niezer stated that it would not. It would make the development economically impossible to construct.

Greg Purcell, Executive Director of Community & Economic Development questioned if the developer had a definitive agreement with the Springwood Community Association regarding the use of the park.

Mr. Niezer stated that they did not, but that they are working on that agreement.

Mark Gensic expressed his concerns with potential emergency vehicle access to the development due to the private street length. He suggested that the developer should consider a possible access to be aligned with Springwood Drive for emergency vehicle use.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning or primary development plan.

#512
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 900 E Cook Road

2-92-06-07

EFFECT OF PASSAGE Property is currently zoned R-2 - Two Family Residential. Property will become RA - Suburban Residential.

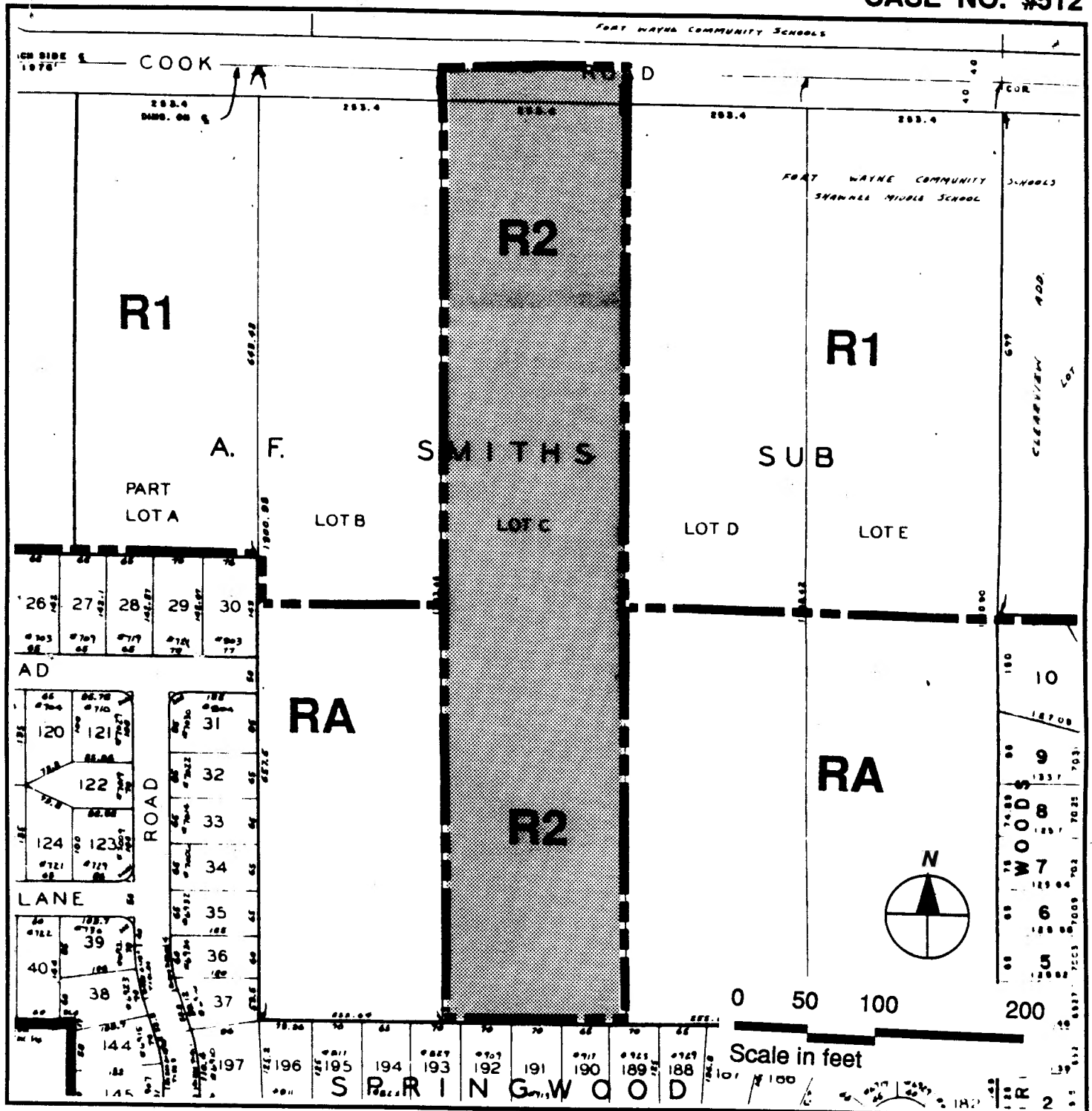
EFFECT OF NON-PASSAGE Property will remain R-2 - Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

AREA MAP

CASE NO. #512



COUNCILMANIC DISTRICT NO. 3

Map No. N-42
LW 5-21-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. Z-92-06-07

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort
Wayne Zoning Map No. N-42

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
<u><i>SR Edmond</i></u>			
<u><i>Rebecca Ravine</i></u>			
<u><i>Mark E. Giaquinta</i></u>			

DATED: 7-14-92.

Sandra E. Kennedy
City Clerk